



# SCHOOL BUS, INC.

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## **DEPARTMENT OF EDUCATION "POINT OF CONTACT"** **APRIL 2008 NEWSLETTER**

### **Investigating Accidents for Preventability**

Accident investigation is a key component of any fleet safety program. The fundamental reason for accident investigation is to be able to use the experience to prevent similar accidents in the future; therefore preventability of the accident needs to be determined. Many companies rely on police or insurance company reports to determine if an accident was preventable or if the driver should be held responsible. Other companies use committees comprised of other drivers and management staff. The determination of fault or responsibility can impact several things including a safety incentive awarded and even if the driver will be retained. A closer look at preventability will also give clues of the need for additional driver training in defensive driving. By determining where defensive driving needs strengthened, training can be implemented to affect the future prevention of similar accidents. Drivers will also realize that just because they were not legally at fault, they need to take action to prevent accidents. In order to understand this concept completely we need to define preventable accident and its relationship to defensive driving. A "preventable accident" is one in which the driver failed to exercise reasonable precautions to prevent the accident. Preventability is irrespective of any moving violations, right of way claimed, amount of damage or injury incurred, location, speed, etc. A preventable accident is one in which the driver did not practice driving so as to prevent accidents in spite of the incorrect actions of others or adverse driving conditions, in other words the driver did not practice "defensive driving". Here are some examples in various scenarios to represent this idea. Being struck from behind may be a result of failure to allow adequate following distance ahead. Likewise a rear-end collision is almost always caused by failure to allow proper following distance. A collision at an intersection may indicate failure to check for the action of other drivers before entering the intersection. Passing is a voluntary action and should be done only with the proper check of factors that affect the maneuver. A collision when being passed may be a result of failure to slow down or yield. Hitting fixed objects are usually always preventable since checking clearances would have prevented the object being hit. Pedestrian accidents may indicate failure to slow down in high pedestrian traffic areas or operating beyond sight/stop distances. Parking incorrectly or in the wrong area of a lot (especially with a large bus that could get parked in) is an obvious preventable situation. Most all backing accidents are preventable since the driver should avoid backing when necessary and if they must back, should properly investigate the area behind the vehicle. In evaluating accidents for preventability, the actions of the driver and the placement of the vehicle just before the accident should be reviewed to see if the driver could have helped prevent the accident. Drivers familiar with the location of the accident can often give insight into appropriate actions a driver might have taken to prevent the accident or they may note that the location creates hazards that drivers cannot see or react to. The analysis of accident for preventability is not intended to find fault with every driver for every accident nor is it intended to paint the picture that all accident are preventable. It is intended to give those investigating accidents some insight into how their drivers might have reacted differently to help prevent the accident. With this information, the needed defensive driving actions can be highlighted to drivers through training or safety meetings and drivers can begin to understand that they can help prevent accidents even when others don't drive safely or conditions are not favorable.

### **NSTA Takes on Sioux City Transit**

Last month, NSTA filed a complaint with the Regional Administrator of FTA Region 7 alleging that the Sioux City, Iowa, Transit System is in violation of the prohibition against school transportation service. The transit agency and the Sioux City school district recently signed a contract for the 2008-09 school year to transport high school students who live more than two miles from their assigned schools. Under the agreement, the transit agency will design new school routes that bypass the regular route system, and will purchase additional buses and hire part time drivers for four hours a day. The drivers will be trained by the school district. The transit authority has 30 days to reply to our complaint. As you know, federal law prohibits recipients of FTA funding from providing school transportation when there are private contractors willing and able to do the service. NSTA has made it a priority to go after transit districts that violate the school bus rules in order to protect our members and their current or potential business opportunities. We have filed a similar complaint in Dayton, Ohio, and that investigation is proceeding.

## Have You Registered Yet?

The Federal Transit Administration now has new rules about how transit agencies deal with requests for charter bus transportation. All referrals to private bus operators must now go only to companies that are registered on the FTA's Charter website. If you do any charter work, either with your school buses or with motorcoaches, it is **very important** that you register as soon as possible. Transit agencies are already petitioning FTA for permission to do charter trips after the April 30<sup>th</sup> implementation date. Remember that school activity trips are charter work. If a school district asks the transit authority to provide an activity trip, the transit authority has to refer that trip to a registered private operator. If you are not registered, you will not get the business. Registration is easy—just follow these steps:

1. Go to the website at [www.fta.dot.gov/CharterRegistration](http://www.fta.dot.gov/CharterRegistration); click that you accept the terms.
2. Click on New Private Charter Operator Registration.
3. Fill in your company information. The FMC identification number is your US DOT number, not your MC number. You must have a DOT number to register. If you don't have a DOT number, you can apply for one at [www.fmcsa.dot.gov/registration-licensing](http://www.fmcsa.dot.gov/registration-licensing).
4. Include your fax number. Even though that field is not starred, if you don't fill it in, the registration may not work properly. Check the insurance certification.
5. You do not have to agree to provide reduced rates, and you will not be eliminated from referrals if you don't. Human service organizations can use that field to search charter companies, though.
6. Under the geographic service area, do not check "entire continental US" unless you truly do operate everywhere. Checking that box makes the registration more difficult. Instead, click on the state or states you are in and either check the box for the entire state, or go through the city list and click on the ones you can serve.
7. When you have a complete list of your service area, fill in your contact information and click submit. Be sure to get your confirmation of receipt of the registration.
8. Check the FTA website in a day or so to see that your company is on the list. If it is not, contact the FTA Charter Office at 202-366-4063 and ask Crystal Frederick to check it out. You can also reach her at [ombudsman.charterservice@dot.gov](mailto:ombudsman.charterservice@dot.gov). She will work with you to make sure you get properly listed. NSTA worked very hard to get these new rules adopted, and we believe that private operators will benefit from them. But only those who are registered will benefit—so make sure you are one of the registered companies. Go to the website **today** and get your company registered!

## Evenflo Recalls One Million Discovery Car Seats

The National Highway Traffic Safety Administration is urging owners of Evenflo Discovery child safety seat Models 390, 391, 534 and 552 manufactured between April 2005 and January 29, 2008, to immediately check their seats. Evenflo is recalling approximately one million Discovery child safety seats that could fail to protect children in a high impact side collision. The model numbers and date of manufacture are located on a white label at the bottom of the car seat. The Discovery car seat is designed with a convenience base that attaches to the vehicle's seat and allows the seat to be attached or removed from the vehicle without removing the base. Tests have found that the seat has the potential to separate from its base. Owners can contact Evenflo at 1-800-356-2229 between 8am and 5pm ET or visit their website at [http://safety.evenflo.com/cs/sc/cssc\\_RD.phtml](http://safety.evenflo.com/cs/sc/cssc_RD.phtml) for a free supplemental dual-hook fastener to ensure the seat doesn't separate from the base.

## Vehicle Recalls

**Blue Bird** is recalling 45 MY 2008-2009 Micro-Bird school buses manufactured from October 1, 2007 through January 28, 2008, mounted on General Motors chassis with option 3016-05 or 30117-05 LED rear turn signals. These buses fail to comply with the flash rate requirements of FNVSS 108. The subject lights operate at approximately 180 flashes per minute and the standard requirement is 60-120 flashes per minute. Owners will be provided with a resistor to be installed in the turn signal circuit which will bring the LED rear turn signal flash rate to standard requirements. The recall is expected to begin during March 2008.

**Blue Bird** is recalling 607 MY 2004-2007 All American rear engine school buses equipped with Cummins ISC engines. The high pressure fuel line may crack, allowing high pressure diesel fuel into the engine compartment. This condition creates the potential for a risk of fire in the engine compartment should the atomized diesel fuel vapor contact an ignition source. Owners will be advised to contact their Cummins dealers to have the repair work performed as soon as possible. The recall is expected to begin on or about March 18, 2008.

**Daimler Trucks** is recalling 93,552 MY 2001-2008 Thomas Built ER, MVP EF, MVP ER, FS-65, HDX, Minotour, and Saf-T-Liner C2 school buses manufactured between November 2000 and March 10, 2008. The emergency exit door handle begins corroding around the securing roll pin and square drive mechanism causing the protective finish to chip and flake. Continued corrosion and pitting weakens the handle. Handles weakened by corrosion may break while trying to open the door from the exterior. In the event of an emergency, a person on the outside of the bus may break the door handle trying to open the emergency exit potentially delaying evacuation and increasing the risk of personal injury to the vehicle's occupants. Thomas Built dealers will replace the handles with a more robust handle free of charge. The recall is expected to begin on or about May 2, 2008.

**Daimler Trucks** is recalling 760 MY 2003-2007 Thomas Built FS-65, HDX, Minotour, MVP EF, and Saf-T-Liner C2

school buses manufactured between July 6, 2005 and July 19, 2006, equipped with Braun wheelchair lifts, Models NL, NCL, or NVL. The threshold warning system of the subject model wheelchair lifts fail to comply with the requirements of FMVSS 403. Should the threshold warning system fail to operate, the lift user can fall from the vehicle and be seriously injured. Thomas Built will provide a free remedy. The recall is expected to begin on or about April 25, 2008.

**International** is recalling **MY 2007-2008 CESB, FESB, and RESB** school buses manufactured between June 1, 2006 and June 28, 2007, equipped with International DT466 or DT570 engines. The base plate of the engine oil cooler may crack allowing pressurized oil to leak into the engine compartment. This condition may cause either engine shut down without warning, or in extreme cases, possible engine fire which can lead to property damage, personal injury, or death. International will notify owners and repair the vehicles free of charge. The recall is expected to begin on or about April 18, 2008.

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